



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1670 Entitled, "An Ordinance Of The City Council Of The City Of Lodi Repealing And Reenacting Chapters 10.40 'Regulations For Bicycles' And 10.42 'Skateboards', And Adding Chapter 10.43 'Regulations For Roller Skating' To The Lodi Municipal Code"

MEETING DATE: May 5, 1999

PREPARED BY: City Clerk

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1670.

BACKGROUND INFORMATION: Ordinance No. 1670 entitled, "An Ordinance Of The City Council Of The City Of Lodi Repealing And Reenacting Chapters 10.40 'Regulations For Bicycles' And 10.42 'Skateboards', And Adding Chapter 10.43 'Regulations For Roller Skating' To The Lodi Municipal Code" was introduced at the regular City Council meeting of April 21, 1999.

Pursuant to State statute, ordinances may be adopted five days after their introductions following reading by title.

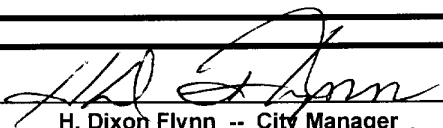
This Ordinance has been approved as to form by the City Attorney.

FUNDING: None required.


Alice M. Reimche
City Clerk

Attachment

APPROVED: _____


H. Dixon Flynn -- City Manager

ORDINANCE NO. 1670

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
REPEALING AND REENACTING CHAPTERS 10.40
"REGULATIONS FOR BICYCLES" AND 10.42 "SKATEBOARDS",
AND ADDING CHAPTER 10.43 "REGULATIONS FOR ROLLER
SKATING" TO THE LODI MUNICIPAL CODE

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 10.40 - "Regulations for Bicycles" is hereby repealed and reenacted in its entirety to read as follows:

Chapter 10.40 REGULATIONS FOR BICYCLES

Sections:

- 10.40.010 Bicycle License Required.
- 10.40.020 Bicycle Riding Rules.
- 10.40.030 Posted Property – Bicycling Prohibited Without Permission.
- 10.40.040 Posting and Signing Method.
- 10.40.050 Violation – Infraction.

10.40.010 Bicycle License Required.

- A. All bicycles operated in the City shall be licensed and registered by the City.
- B. Bicycle licenses shall be issued by the Police Chief. The Police Chief is authorized to issue rules and regulations, not inconsistent with this section or accompanying City Council resolution, governing the issuance and display of bicycle licenses.
- C. The Police Chief shall collect a fee as established by resolution of the City Council from time to time for each license issued.
- D. This section does not apply to bicycle manufacturers or dealers transporting, displaying or demonstrating bicycles, or to the operators of bicycles not residing within the City limits; provided that such operators not residing within the City limits have complied with any registration and licensing requirements of the local authority in which they reside.
- E. The police department shall have the right to impound and retain possession of any bicycle in violation of the provisions of this section, and may retain possession of such bicycle until the provisions of this chapter are complied with.

10.40.020 Bicycle Riding Rules.

- A. No person shall operate a bicycle on the sidewalk in a business district.
- B. Persons operating bicycles on the sidewalks outside of the Business District shall yield the right-of-way to any pedestrian approaching thereon, and shall exercise due care for the safety of any person upon the sidewalk.
- C. Persons operating bicycles shall obey any signs posted in accordance with Section 10.40.040 regulating or prohibiting the riding, walking or parking of bicycles on any sidewalk or walkway. (Vehicle Code § 21206)
- D. Subsections A and C of this section shall not apply to police personnel acting within the course and scope of their employment.

10.40.030 Posted property—Bicycling Prohibited Without Permission.

It is unlawful for any person to ride bicycles on any posted property without the written permission of the owner(s), tenant(s), or other occupant(s) in legal possession or control thereof.

10.40.040 Posting and signing - Method.

Property may be posted against the use of or riding of bicycles in the following manner:

- A. If the property does not contain any lineal dimension exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding one hundred feet and, if such property has a definite entrance or entrances, at each such entrance.
- B. If the property has lineal dimensions exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding two hundred feet, and, if such property has a definite entrance or entrances, at each such entrance.
- C. Public sidewalks or walkways where bicycling is prohibited may be posted by the Public Works Director with at least one sign per block, on each side where bicycling is regulated, or every three hundred feet, whichever distance is less.
- D. "Signs" means a board, placard, card or similar device not less than twelve inches by eighteen inches in size with lettering not less than one inch in height, upon which appear the words "Bicycling Prohibited" or which contains a picture of a bicycle over which appears the international symbol for prohibition, a red circle and slash, along with reference to this ordinance number. Such sign may be painted directly upon a sidewalk, pavement or wall.

10.40.050 Violation--Infraction.

A violation of this chapter of the municipal code shall be an infraction.

SECTION 2. Lodi Municipal Code Chapter 10.42 – “Skateboards” is hereby repealed and reenacted in its entirety to read as follows:

Chapter 10.42 SKATEBOARDS

Sections:

- 10.42.010 Definitions
- 10.42.020 Riding Skateboards Where Prohibited
- 10.42.030 Posted property – Skateboards Prohibited Without Permission
- 10.42.040 Posting – Method
- 10.42.050 Violation – Infraction

10.42.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Posted property" means any property specified in Sections 10.42.020 and 10.42.030 which is posted in the manner provided in Section 10.42.040.
- B. "Signs" means a board, placard, card or similar device not less than twelve inches by eighteen inches in size with lettering not less than one inch in height, upon which appear the words "Skateboarding Prohibited" or which contains a picture of a skateboard over which appears the international symbol for prohibition, of a red circle and slash, along with reference to this ordinance number. Such sign may be painted directly upon a sidewalk, pavement or wall.
- C. "Skateboard" means any device or conveyance with any number of wheels, with a riding surface of any design intended primarily for a person to stand upon with one or two feet, and which is designed to be or can be propelled by human power, and which is not classified as a bicycle or tricycle.

10.42.020 Riding Skateboards Where Prohibited.

No person shall use or ride any skateboard or other similar device, in, upon, or around any on-site roadways, sidewalks, parking facilities or pedestrian walkways located on any City-owned property which has been appropriately signed under this chapter, nor upon any other public or private property where appropriate signs, as prescribed herein, have been posted.

10.42.030 Posted property-- Skateboards Prohibited Without Permission.

It is unlawful for any person to use or ride skateboards on any posted property without the written permission of the owners, tenant or other occupant in legal possession or control thereof.

10.42.040 Posting--Method.

Property may be posted against the use of or riding of skateboards on posted property in the following manner:

- A. If the property does not contain any lineal dimension exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding one hundred feet and, if such property has a definite entrance or entrances, at each such entrance.
- B. If the property has lineal dimensions exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding two hundred feet and, if such property has a definite entrance or entrances, at each such entrance.
- C. Public sidewalks or walkways where skateboarding is prohibited shall be posted by the Public Works Director with at least one sign per block, on each side where skateboarding is regulated, or every three hundred feet, whichever distance is less.

10.42.050 Violation--Infraction.

A violation of this chapter of the municipal code shall be an infraction.

SECTION 3. Lodi Municipal Code is hereby amended by adding thereto a new Chapter 10.43 – “Regulations for Roller Skating” to read as follows:

Chapter 10.43 REGULATIONS FOR ROLLER SKATES

Sections:

- 10.43.010 Definitions
- 10.43.020 Using Roller Skates Where Prohibited
- 10.43.030 Posted Property – Roller Skating Prohibited Without Permission
- 10.43.040 Posting – Method
- 10.43.050 Violation – Infraction

10.43.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Posted property" means any property specified in Sections 10.43.020 and 10.43.030 which is posted in the manner provided in Section 10.43.040.
- B. "Signs" means a board, placard, card or similar device not less than twelve inches by eighteen inches in size with lettering not less than one inch in height, upon which appear the words "Roller Skating Prohibited" or which contains a picture of roller skates over which appears the international symbol for prohibition, a red circle and slash, along with reference to this ordinance number. Such sign may be painted directly upon a sidewalk, pavement or wall.

- C. "Roller Skate" is defined as any device or conveyance with any number of wheels, tracks or gliding surface, whether off-set or in-line, worn on each foot, and which are designed to be or can be propelled by human power, and include "rollerblades."

10.43.020 Using Roller Skates Where Prohibited.

No person shall roller skate in, upon, or around any on-site roadways, sidewalks, parking facilities, or pedestrian walkways located on any City-owned property which has been appropriately signed under this chapter, nor upon any other public or private property where appropriate signs, as prescribed herein, have been posted. (Vehicle Code 21969)

10.43.030 Posted property—Roller Skating Prohibited Without Permission.

It is unlawful for any person to use or ride roller skates on any posted property without the written permission of the owner(s), tenant(s), or other occupant(s) in legal possession or control thereof.

10.43.040 Posting--Method.

Property may be posted against the use of or riding of roller skates on posted property in the following manner:

- A. If the property does not contain any lineal dimension exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding one hundred feet, and, if such property has a definite entrance or entrances, at each such entrance.
- B. If the property has lineal dimensions exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding two hundred feet, and, if such property has a definite entrance or entrances, at each such entrance.
- C. Public sidewalks or walkways where roller skating is prohibited shall be posted by the Public Works Director with at least one sign per block where roller skating is regulated, or every three hundred feet, whichever distance is less.

10.43.050 Violation--Infraction.

A violation of this chapter of the municipal code shall be an infraction.

SECTION 4 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

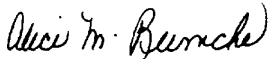
SECTION 7. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 5th day of May, 1999



KEITH LAND
Mayor

Attest:



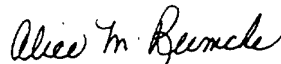
ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1670 was introduced at a regular meeting of the City Council of the City of Lodi held April 21, 1999 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held May 5, 1999 by the following vote:

AYES:	COUNCIL MEMBERS – Hitchcock, Mann, Nakanishi and Pennino
NOES:	COUNCIL MEMBERS – Land (Mayor)
ABSENT:	COUNCIL MEMBERS – None
ABSTAIN:	COUNCIL MEMBERS – None

I further certify that Ordinance No. 1670 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

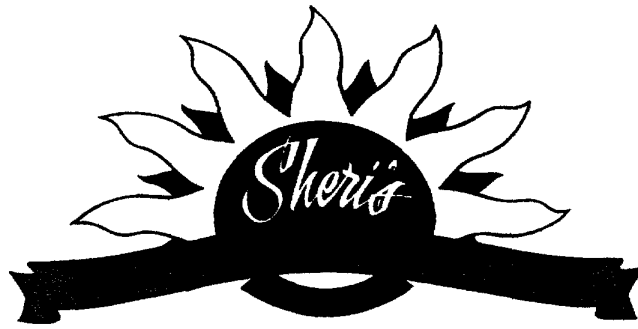


ALICE M. REIMCHE
City Clerk

Approved as to Form:



RANDALL A. HAYS
City Attorney



6 N. School St., Lodi, CA 95240 (209) 368-4800
www.sheris.com

May 5, 1999

Dear City of Lodi Council Members,

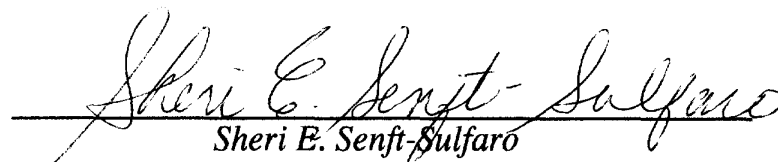
I should have taken the time to write this letter before now, but here it is...

I would like to tell you that I am in support of the skateboard, rollerblade, and bicycle ordinance you are thinking about adopting. However, I also suggest that this needs to be posted in the downtown Lodi business area primarily due to safety issues. I have come close several times to being clobbered by all three of the above mentioned methods of transportation upon coming out of my front door on School St. and rounding the corner of my building. What's going to happen when somebody finally gets hurt? It's much better to be safe than sorry!

Please, I urge you to pass this ordinance regarding this issue. Thank you for taking the time to read my letter.

*Also, **thank you for doing a great job!** I'm sure you here complaints all the time, but I appreciate each and every one of you who have dedicated their lives to the City of Lodi.*

Sincerely yours,


Sheri E. Senft-Sulfaro
owner, Sheri's Sonshine Nutrition Center